IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 36 of 2005 (S/B)

Suresh Pal
S/o Sri Kishan Lal
R/o Village Baseoli,
Post Office-Laksar,
District Haridwar ……. Petitioner

Versus

1. Uttaranchal Pey Jal Nigam
   through its Managing Director,
   Dehradun, Uttaranchal

2. The Managing Director,
   Uttaranchal Sansadhan Vikas and
   Nirman Nigam, Dehradun.

3. U.P. Jal Nigam through its
   Managing Director,
   6-Rana Pratap Marg,
   Lucknow. ……. Respondents

……...

Mr. S.S.Chauhan, leaned counsel for the petitioner.
Mr. D.S. Patni, learned counsel for the respondent 1 and 2.
Mr. Sudhir Singh, learned counsel for the respondent no. 3.

Coram: Hon'ble Cyriac Joseph, C.J.,
Hon'ble B.C.Kandpal, J.

[Per Hon'ble Chief Justice (Oral)]

1. The petitioner is an Assistant Engineer in the Ganga Pollution Control Unit of the Uttaranchal Pey Jal Nigam, Haridwar. He prays for a direction to the respondents to treat him as a member of the Hill Sub-cadre of Uttaranchal Pey Jal Nigam.

2. According to the petitioner, he had submitted option of Hill Sub-cadre on 06.10.1997 i.e. prior to the enforcement of the Uttar Pradesh Jal Nigam Hill Sub-cadre Regulation, 1998 and hence his option should have been accepted by the respondents. Learned counsel for the petitioner contends that the petitioner's option was not in pursuance of the circular issued by the U.P. Jal Nigam on 20.01.1999 and, therefore, the stay order

passed by High Court of Allahabad did not stand in the way of accepting the option of the petitioner. It is also submitted that in an identical case, namely, Writ petition No. 860 (S/B) of 2001, a Division Bench of this Court has allowed the request of the petitioner therein as per judgment dated 05.10.2001.

3. Mr. D.S. Patni, learned counsel for the respondents 1 and 2 submits that the case of the petitioner is identical to the case of the petitioner in Writ Petition No. 860 (S/B) of 2001 and hence the respondents are willing to consider the case of the petitioner in the light of the judgment dated 05.10.2001 in Writ Petition No. 860 (S/B) of 2001.

4. Hence, the writ petition is disposed of with a direction that respondents 1 and 2 shall consider the claim of the petitioner for being treated as a member of the Hill Sub-cadre of the Uttaranchal Pey Jal Nigam in the light of Judgment dated 05.10.2001 in Writ petition No. 860 (S/B) of 2001 and shall pass appropriate order as expeditiously as possible and at any rate within a period of two months from today.

(B.C.Kandpal, J.) **(Cyriac Joseph, C.J.)**
22.07.2005 22.07.2005

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